

KUMAR CHIDAMBARAM,
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THE MADRAS BAR ASSOCIATION,
HIGH COURT BUILDINGS,
MADRAS-600 104.

14.11.1991 19

OPINION

PROPERTY - Property bearing new Door No. ¹⁴¹Lakhpeth Building 141/1/8/65 to 179 bearing old Door No.141 Oxford Street, Secunderabad.

1. The building known as Lakhpeth Building bearing door No.141 Oxford Street, Originally belonged to Abdullah Kasim and Ahmed Kasim who were brothers.
2. After the demise of Abdullah Kasim and Ahmed Kasim by sale deed dated 5.11.1962 registered as document No.2867 of 1962 (registrar, Hyderabad).
 - a. Zuleikha Bai wife of late Abdullah Kasim
 - b. Noor Abdullah son of late Abdullah Kasim
 - c. Fathima Bai wife of Suleman Abba and daughter of late Abdullah Kasim.

have joined along with -

- a. Osman Ahmed son of late Ahmed Kasim
- b. Omar Ahmed son of late Ahmed Kasim
- c. Abubaker Ahmed son of late Ahmed Kasim
- d. Suleman Ahmed son of late Ahmed Kasim
- e. Ali Mohammed Ahmed son of late Ahmed Kasim
- f. Noor Ahmed Ahmed son of late Ahmed Kasim
- g. Mohammed Yousef son of late Ahmed Kasim
- h. Mohammed Kasim Ahmed son of late Ahmed Kasim
- i. Zuleikha Bai Ahmed wife of Moola Abdullah and daughter of late Ahmed Kasim
- j. Nabia Bai Ahmed wife of Suleman vali Ahmed meeran and daughter of late Ahmed Kasim.
- k. Hanifa Bai Ahmed daughter of late Ahmed Kasim
- l. Meerunnisa Ahmed (minor) daughter of late Ahmed Kasim
- m. Aziza Ahmed (minor) daughter of late Ahmed Kasim represented by mother and natural guardian Ayesha Bai
- n. Ayesha Bai, wife of late Ahmed Kasim.

and all have conveyed by way of absolute sale the property which is 4086 sq.yards land with a small building of two rooms and a toilet to and in favour of Manilal C.Modi. The building bears door N .141 Oxford Street, Secunderabad.

3. The same 20 persons referred in para 2 have by sale deed dated 5.11.1962 registered as document No.1652 of 1962 (registrar, Hyderabad) have conveyed by way of sale the portion of building bearing No.141 New door No.148-165 to 179 Oxford Street, Secunderabad to Manilal C.Modi. In this document the extent and measurement is not given.

MC Modi

4.

By sale deed dated 7.5.1964 registered as document No.883 of 1964 (registrar, Hyderabad, Manilal C.Modi conveyed by way of absolute sale to and in favour of Pramod Chandra M.Modi the property referred in para 1 and 2 above being building with two rooms and one toilet bearing door No.141 Oxford Street, admeasuring 4086 sq.yards in extent.

Usha

5.

By sale deed dated 8.5.1964 registered as Doc. No.894/64 (registrar, Hyderabad) Manilal C.Modi has conveyed by way of absolute sale to and in favour of Pramod Chandra C.Modi the building portion bearing Door No.1-8-165 to 179 Old No.141 Oxford St. Secunderabad known Lakhpath Building.

6.

By virtue of the transfers referred in para 4 and 5 Pramod Chandra C.Modi is the absolute owner of the properties -
1) part of 141 Oxford St. being land measuring 4086 sq.yards with small building consisting of two rooms and one toilet thereon;

11) building portion of 141 Oxford Street, bearing new door No.1-8-165 to 179 known as Lakhpath Building

7.

By deed of gift settlement dated 11.8.1970 registered as Doc.No.1611 of 1970 (Registrar, Hyderabad) Pramod Chandra M.Modi has conveyed ~~xxx~~ to Manilal C.Modi Educational Trust the plot of land forming part of property known as Lakhpat Building and bearing No.1/8/79 situate at Sarojini Devi Road, Secunderabad measuring 2000 sq.yards (1673 sq.m.).

Manilal C.Modi Education Trust is registered with Endowment Department as Charitable Education Trust.

8.

By deed of settlement dated 16.10.1971 registered as DocNo.1853 of 1971 in the office of the sub-registrar, Secunderabad Pramod Chandra M.Modi has settled in favour of Shri Gurudev Ashram the open land forming part of property bearing Door No.141 (Old) New Door No.1/8/179 known as Lakhpat Building admeasuring 2250 sq.yards (1888 sq.m.) Sarojinidevi Road, Secunderabad. The ashram is a Charitable religious Trust registered a Public Trust on 19.2.1962.

9.

By deed of settlement dated 17.10.74 registered as document No.(R

Pramod Chandra M.Modi has settled to and in favour of Shri Gurudev Ashram the land measuring 920 sq.ft yards (769.21 sq.m.) together with dilapidated structure bearing Door No.141(old) new door No.1/8/179 and forming part of property known as Lakhpat Building. Sri Gurudev Ashram is a charitable religious Trust registered as a Public Trust on 19.2.1962.

gwp

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10. By deed of settlement dated 27.5.1977 registered as document No.876 of 1977 in the office of the sub registrar, Secunderabad promod Chandra M.Modi has settled in favour of Smt.Girija Bai Modi Charitable Trust the building bearing Municipal No.1/8/169 Oxford Street, Secunderabad with land measuring 746.20 sq.yards . Smt.Girija Bai Modi Charitable Trust is a public charitable Trust registered as a public trust.

+11. By deed of exbhange dated 14.7.88 registered as Charitable Trust and Gurudevi Sridhapeeth properties have been exchanged.

a. Smt.Girija Bai Modi charitable Trust has transferred to Gurudev Sidha Peeth part of property known as Lakhpath Buiding measuring 8140 sq.ft. (904 sq.yards) 757 sq.m.) forming part of 1/8/169 situate at 141, Prender Ghast Road, Secunderabad.

b. Gurudev Sidha Peeth has transferred to Smt.Girija Bai Modi Charitable Trust part of property known as Lakhpat Building measuring 8140 sq.ft. (904 sq.yards) 757 sq.m. in premises 1-8-179 at 141 Prender Ghast Road, Secunderabad.

12. On perusal of the documents, it is seen that

a. Gurudev Ashram or Gurudev Sidha Peeth owns 2259 sq.yards of the property;

b. Smt Girija Bai Modi Charitable Trust owns only 746.20 sq.yards apparently there is an error because Girija Bai Trust cannot convey 904 sq.yards.

Hence this discrepancy must be rectified. It can only be presumed that Girija Bai Trust transferred 746.20 sq.yards and received from Gurudev Ashram 904 sq.yards there is a lacuna in the title conveyance.

13. All the portions of the property belong to public Charitable Trusts. Permission to sell will have to be obtained from the Principal Civil court having original jurisdiction in the matter.

14. The permission of the Commissioner for Charitable Endowments of Andhra Pradesh Will have to be obtained before sale.

15. The Trust deeds of each trust also will have to be seen regarding the nature of the trust and whether the trustees are empowered to sell the properties.

*For consideration
not to be used*

.4.

16. It is also seen that in sale deeds referred in para 2 and 3 the Vendors 15 and 16 are minors who cannot be represented by mother in Muslim law as she is not a legal guardian. But in any event the minors have not challenged the sale on completion of 3 years on attaining majority and their claim if any would be barred by the law of Limitation.

17. The following documents are required for perusal.

- i. Trust deeds
- ✓ ii. Encumbrance certificates from 1.1.1962
- ✓ iii. List of Trustees of each Trust
- iv. Incometax assessment order of each Trust for the preceding 4 years.
- v. Original deeds for verification
- vi. Municipal assessment order and tax payment receipts.

on perusal of the above documents, I will give my final OPINION.

I am of the OPINION that the TRUSTS referred above have valid title to their respective properties as stated. Conveyance if any can only be made on compliance of requirements stipulated in paragraphs 13, 14, and 15 above.


(KUMAR CHIDAMBARAM)